

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2085 – HB 2059

February 26, 2014

SUMMARY OF ORIGINAL BILL: Requires the Attorney General to commence a civil suit on behalf of the State if the General Assembly adopts a joint resolution directing the Attorney General to initiate such a suit or if the Governor directs the Attorney General by executive order to initiate such a suit.

Requires the Attorney General to dismiss or otherwise withdraw from a suit if directed to by joint resolution of the General Assembly or by executive order executed by the Governor.

Permits the General Assembly to retain outside counsel to initiate a civil suit on behalf of the State.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – The fiscal impact of requiring the Attorney General to either initiate additional civil suits or terminate the state's involvement in civil suits is not quantifiable, as the number and complexity of such suits are unknown. In the event that the General Assembly elects to hire outside counsel, it is estimated to result in an increase in state expenditures of at least \$10,000 per case for legal fees and expenses, depending on the nature, complexity and duration of each case. The circumstances under which this scenario may arise are not known and a more precise fiscal impact of this bill, therefore, cannot reasonably be determined.

SUMMARY OF AMENDMENT (013157): Deletes all language after the enacting clause. Authorizes the General Assembly, while in session, to direct the Attorney General by joint resolution to initiate a lawsuit on behalf of the State.

Authorizes the Speakers of the Senate and House of Representatives, while the General Assembly is out of session, to direct the Attorney General by joint agreement to initiate a lawsuit on behalf of the State.

Authorizes the Governor to direct the Attorney General by executive order to initiate a lawsuit on behalf of the State.

Requires the Attorney General to dismiss or otherwise withdraw from a suit if directed to by joint resolution of the General Assembly or by executive order executed by the Governor.

Permits the General Assembly to retain outside counsel to initiate a civil suit on behalf of the State.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- It is assumed that certain lawsuits initiated at the direction of the General Assembly or the Governor could be accommodated within the Attorney General's existing resources.
- The number and complexity of lawsuits the Attorney General would initiate, dismiss or withdraw from, at the direction of the General Assembly or the Governor, is unknown and cannot be quantified.
- It is assumed that any outside counsel retained by the General Assembly pursuant to this proposed legislation is estimated to charge at least \$10,000 per case for legal fees and expenses.
- Such outside counsel's fees and expenses would be funded from the General Assembly's operating budget.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise".

Lucian D. Geise, Executive Director

/trm